

AMENDMENT TO THE DRAWINGS

Please add new Figures 1-23, which are black-and-white photographs.

REMARKS

I. Objections Concerning Drawings

In the Office Action, it was asserted that the subject matter of this application admits of illustration by drawing. In response to this objection, Applicants submit herewith Figures 1-23, which are black-and-white photographs, to be included in this application. No new matter is being introduced. As explained below, these figures were included in a document that was incorporated by reference into the application. Applicants are also submitting a statement executed by the undersigned attorney stating that these figures were previously incorporated by reference and that this amendment contains no new matter.

II. Objection to the Specification

In this Amendment, Applicants have added various headings suggested in the Office Action. No new matter has been added.

Also, the Office Action required Applicants to amend the disclosure to include the material incorporated by reference in "document 2," which was listed in the patent application. This document contains 23 pages of slides, and, as mentioned above, Applicants are submitting these 23 pages of slides as Figures 1-23 to be included in this application. No new matter is being introduced. Applicants are also submitting a statement executed by the undersigned attorney stating that these figures were previously incorporated by reference and that this amendment contains no new matter.

III. 35 U.S.C. §112, First Paragraph, Rejections

A. Written Description Rejections

Claims 1-30 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, it was asserted that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art, at the time the application was filed, that the inventors had possession of the claimed invention. From the exemplary rejection of Claim 1 in the Office Action, it appears that the basis of the rejection is that the Examiner believed the claims were not enabled.

Applicants respectfully request reconsideration and withdrawal of these rejections.

As a first matter, Applicants respectfully submit that the Office Action does not provide a proper basis of rejection. To support the written description rejections, the Office Action is arguing that the claims are not disclosed in an enabling fashion. However, as stated in MPEP 2161, “[t]he written description requirement is separate and distinct from the enablement requirement.” Because the Office Action does not provide a proper basis of rejection, Applicants respectfully submit that the written description rejections of the claims should be withdrawn.

Applicants also note that the claims are original claims, which provide their own written description support. As stated in MPEP 2163, “[t]here is a strong presumption that an adequate written description of the claimed invention is present when the application is filed.” Further, “rejection of an original claim for lack of written description should be rare.” *Id.*

When the correct standard is used, it is clear that Applicants’ description makes clear that Applicants had possession of the invention. As stated in MPEP 2163.02, “[a]n objective standard for determining compliance with the written description requirement is, ‘does the description clearly allow persons of ordinary skill in the art to recognize that [the inventor]

invented what is claimed.” As further stated in MPEP 2161, “[t]he function of the written description requirement is to ensure that the inventor had possession [of the invention]; how the specification accomplishes this is not material.”

Applicants’ description makes clear that Applicants had possession of the invention. For example, independent Claim 1 recites:

1. A chip-level architecture comprising:
a monolithic three-dimensional write-once memory array; and
at least two of the following system blocks:
an Error Checking & Correction Circuit (ECC);
a Checkerboard Memory Array containing sub arrays;
a Write Controller;
a Charge Pump;
a Vread Generator;
an Oscillator;
a Band Gap Reference Generator; and
a Page Register/Fault Memory.

Applicants’ description clearly allows persons of ordinary skill in the art to recognize that the inventors invented what is claimed. For example, page 3, lines 11-25 states that the invention is directed to a chip-level architecture comprising a monolithic three-dimensional write-once memory array in combination with an Error Checking & Correction Circuit (ECC), a Checkerboard Memory Array containing sub arrays, a Write Controller, a Charge Pump, a Vread Generator, an Oscillator, a Band Gap Reference Generator, and a Page Register/Fault Memory. Since this description uses almost identical language as Claim 1, it is clear that the description allows persons of ordinary skill in the art to recognize that the inventors invented what is claimed. There is similar support for the other claims.

For the reasons set forth above, Applicants respectfully request that the written description rejection of the claims be withdrawn,

B. Enablement Rejections

Claims 1-30 were also rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Specifically, the Office Action argued that “[m]erely pointing from one document to another does not provide enablement.” Applicants respectfully disagree, as this practice is permitted by the Patent Office.

MPEP 608.01(p) (emphasis added) states that: “An application as filed must be complete in itself in order to comply with 35 U.S.C. 112. *Material nevertheless may be incorporated by reference.*” Also, MPEP 2163.07(b) (emphasis added) states

Instead of repeating some information contained in another document, an application may attempt to incorporate the content of another document or part thereof by reference to the document in the text of the specification. *The information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed.*

Accordingly, Applicants are not “[m]erely pointing from one document to another,” as asserted in the Office Action. Instead, Applicants are referencing various documents (and, in many cases, particular sections of those documents) that help provide enablement of the claimed invention. The test for enablement is whether the disclosure contains sufficient information regarding the subject matter of the claims as to enable one skilled in the art to make and use the claimed invention with undue experimentation. The disclosure satisfies this test irrespective of whether several documents that may provide enablement support are incorporated by reference into the disclosure.

In summary, because the description, which includes the documents incorporated by reference, enables the claims, Applicants respectfully request that the enablement rejections of Claims 1-30 be withdrawn.

IV. 35 U.S.C. §112, Second Paragraph, Rejections

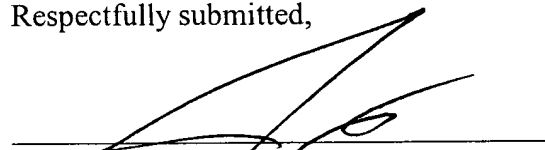
Claims 29 and 30 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for not particularly pointing out and distinctly claiming subject matter. Because Applicants are cancelling Claim 29 and 30, Applicants respectfully submit that these rejections should be withdrawn.

V. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Reconsideration is respectfully requested. If there are any questions concerning this Amendment, please contact the undersigned attorney at (312) 321-4719.

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Respectfully submitted,



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